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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,576	06/25/2003	Chin-Chu Chen	PUSA030548	5751

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EXAMINER

SWENSON, BRIAN L

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/608,576

Applicant(s)

CHEN, CHIN-CHU

Examiner

Brian Swenson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 15 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 10-14, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 2-9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Applicant's election with traverse of Species I (Figures 1-5) in the reply filed on 6 January 2005 is acknowledged. The traversal is on the ground(s) that the examiner has not indicated any reason for restriction. This is not found persuasive because the examiner stated in the requirement for restriction that, "Species I was drawn to a control device with an adjusting member that causes push member (51) to contact the inner surface (32) of roller (30) and Species II is drawn to a control device that causes circular plate (52) to expand outward". Each species is a patently distinct variation of the other.

The requirement is still deemed proper and is therefore made FINAL. An action on the merits of claims 1-14, 17 and 18 follows.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 10, 11, 13 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,295,547 issued to Dungan.

Dungan teaches in Figures 1-9 and respective portions of the specification of a wheel structure (Figure 1), comprising: a support rack (12) having two ends (26) each provided with a roller (28) and a control device (18); wherein: the roller is rotatably mounted on the respective end of the support rack (Figure 1); the control device is

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mounted on the respective end of the support rack and is urged on the roller to reduce the rotational speed of the roller, see Figure 2 and Col. 3, lines 64+ and Col. 4, lines 1+.

In regards to claim 10-11 and 13 Dungan teaches the wheel structure in accordance with claim 1, wherein each of the two ends of the support rack (12) is provided with a shaft (26) protruded outward therefrom, and the roller is rotatably mounted on the shaft of the respective end of the support rack, wherein the roller is rotatably mounted on the shaft of the respective end of the support rack by a bearing (72), wherein the shaft of the support rack is formed with an outer thread, and a locking nut (29) is screwed on the outer thread of the shaft of the support rack and is rested on the bearing, so that the roller is rotatably mounted on the shaft of the respective end of the support rack by the locking nut see at least Figure 2.

In regards to claim 14 Dungan teaches The wheel structure in accordance with claim 1, wherein the roller has a side formed with an annular flange, the annular flange of the roller has a side formed with a plane portion and has an inner wall formed with a toothed portion.

In regards to claim 17 see at least Col. 2, lines 65+

3. Claims 1, 14 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,620,190 issued to Maggiore.

Maggiore teaches in Figures 1-48 and respective portions of the specification of a wheel structure (see wheel 110; Figure 3), comprising: a support rack (148) having two ends (26) each provided with a roller (Figure 3, two rollers 110,111 positioned side by side) and a control device (120); wherein: the roller is rotatably mounted on the

respective end of the support rack (Figure 3); the control device is mounted on the respective end of the support rack and is urged on the roller to reduce the rotational speed of the roller, see Figure 4A-4C.

In regards to claim 14 Maggiore shows the roller has a side formed with an annular flange, the annular flange (Figure 3) of the roller has a side formed with a plane portion and has an inner wall formed with a toothed portion (112).

In regards to claim 17, see Figure 1A and 1B.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dungan, as applied to claims 1 and 10-11 above.

Dungan discloses the claimed invention except for showing a stepped recess for receiving the bearing (72) shown in Figure 2. It would have been obvious to one having ordinary skill in the art at the time of invention to provide a stepped recess for receiving the bearing in the invention taught by Dungan to provide the advantage of allowing the bearing to mate flush with the roller taught by Dungan. In regards to claim 18 Dungan does not explicitly state if the support rack is secured on a bottom of a scooter. It would have been obvious to one having ordinary skill in the art at the time of invention to secure the rack on the bottom of a scooter, as would be in accord with Dungan's

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objective of securing the assembly on the shoe sole or skate board body, see at least Col. 2, lines 65+.

### ***Allowable Subject Matter***

Claims 2-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the primary reason for the indication of allowable subject matter in this case is the inclusion of a control device with a cover, circular plate, a push member and an adjusting member where the push member is movably mounted on the side of the circular plate and has a first end formed with a tapered head, where the tapered head has a side formed with an urging face that can be moved to press a plane portion of the roller to reduce the rotational speed of the roller in combination with the other elements recited not found in the prior art of record.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5,511,805 issued to McGrath teaches of a brake apparatus for an inline roller skate.

U.S. Patent No. 6,659,480 issued to Newman teaches of a brake apparatus for a skateboard.

U.S. Patent No. 6,811,165 issued to Chang, U.S. Patent No. 4,076,266 issued to Krausz and U.S. Patent No. 6,488,296 issued to Ireton teach of other brake apparatuses for skateboards.

U.S. Patent No. 5,772,221 issued to Daley teaches of a skate brake.

U.S. Patent No. 4,289,323 issued to Roberts teaches of a bearing race for allowing the skate wheel to rotate in a single direction.

U.S. Patent No. 5,280,930 issued to Smathers et al. teaches of a hydraulic brake for a skate.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Swenson whose telephone number is (703) 305-8163. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (703) 305-0168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

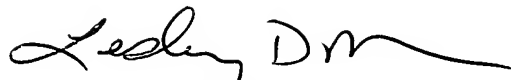
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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bls

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